

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID N. MURPHY, SR., :

Plaintiff : **CIVIL ACTION NO. 3:18-1404**

v. : **(MANNION, D.J.)**
(SCHWAB, M.J.)

SCOTT M. GROCHOWSKI, et al., :

Defendants :

ORDER

As set forth in the Memorandum issued this same day, **IT IS HEREBY**

ORDERED THAT:

- (1)** Judge Schwab's report and recommendation, **(Doc. 153)**, is **ADOPTED IN ITS ENTIRETY**;
- (2)** the motion for summary judgment of defendants PSP Sergeant Mark Rowlands and PSP Corporal John Chulock, **(Doc. 140)**, regarding the merits of the 4th Amendment claim against them raised in the plaintiff's amended complaint, **(Doc. 16)**, is **DENIED**;
- (3)** the motion for summary judgment of defendants Rowlands and Chulock is **DENIED** with respect to the plaintiff's 4th Amendment claim against them on the basis of qualified immunity; and

(4) by separate Order, the court will refer this matter for mediation.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Dated: September 28, 2022

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